

STANDARD APPLICATION
Harford County
Board of Appeals
Bel Air, Maryland 21014

Case No. 5437
Date Filed 7/29/04
Hearing Date _____
Receipt _____
Fee \$450

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation	CASE 5437 MAP 33 TYPE Variance
<input type="checkbox"/> Special Exception	ELECTION DISTRICT 4 LOCATION 2642 Bailey Road, Forest Hill, Md. 21050
<input type="checkbox"/> Use Variance	BY John L. Ehrman
<input type="checkbox"/> Change/Extension of Non-Conforming Use	
<input type="checkbox"/> Minor Area Variance	Appealed because a variance pursuant to Section 267-34B, Table II of the Harford County Code to
<input checked="" type="checkbox"/> Area Variance	allow an attached garage within the required 20 foot side yard setback (proposed 3'9") in an Agricultural
<input type="checkbox"/> Variance from Requirements of the Code	District requires approval by the Board.
<input type="checkbox"/> Zoning Map/Drafting Correction	
<input type="checkbox"/> _____	

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name John Lewis Ehrman Phone Number 410-557-9426
Address 2642 Bailey Rd. Forest Hill, md 21050
Street Number Street City State Zip Code

Co-Applicant _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2642 Bailey Rd. Forest Hill, md.

Subdivision _____

Lot Number A-04-018443

Acreage/Lot Size 100 + 230 Election District 04

Zoning AG

Tax Map No. 33 Grid No. 3A Parcel 3/2 Water/Sewer: Private ☒ Public _____

List ALL structures on property and current use: House + Shed

Both being used AT present Time

Estimated time required to present case: 20 minutes

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes _____ No ☒

Request

I want to add a garage onto ~~my~~ The
Right End of my Home.

Justification

due To the LAND SCAPe of my back yard
my property drops off AT Th back of my
House. DRAINAGE from properties above me
All DRAINS down ThRU my back yard. if I were
To build behind my home All the water would hit
the side of the building

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Neighboor's House

362

FARM
LAND
PASTURE

✓ 160 FT

133.

92

$$\underline{26 \frac{1}{2}}$$

2640

2638

2636

Bailey Rd

42

11 AR 3
rard

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

August 16, 2004

STAFF REPORT

BOARD OF APPEALS CASE NO. 5437

APPLICANT/OWNER: John Lewis Ehrman
2642 Bailey Road, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicant

LOCATION: 2642 Bailey Road
Tax Map: 33 / Grid: 3A / Parcel: 312
Election District: Fourth (4)

ACREAGE: 0.528 of an acre

ZONING: AG/Agricultural

DATE FILED: July 29, 2004

HEARING DATE: September 22, 2004

APPLICANT'S REQUEST and JUSTIFICATION:

Request:

"I want to add a garage onto the right end of my home."

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

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John Lewis Ehrman

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Justification:

“Due to the landscape of my back yard, my property drops off at the back of my house. Drainage from properties above me all drains down thru my back yard. If I were to build behind my home all the water would hit the side of the building.”

CODE REQUIREMENTS:

The Applicant is requesting a variance pursuant to Section 267-34B, Table II of the Harford County Code to allow an attached garage within the required 20 foot side yard setback (3 feet 9 inches proposed) in an AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34B, Table II of the Harford County Code (Attachment 1).

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicant's property is located west of Forest Hill. The lot is situated on the south side of Bailey Road, approximately 800 feet east of Sharon Acres Road. A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural with areas of Rural Residential. The Rural Village of Cooptown is located to the west and Forest Hill is located to the east. The Natural Features Map reflects parks, stream systems and Agricultural Preservation Districts and Easements. The subject property is within the Agricultural designation, which is defined by the 2004 Master Plan as:

Agricultural – Areas where agriculture is the primary land use, but where development rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 1996 Master Plan. This area of the County is predominantly agricultural, with cropland, pastureland and large areas of dense woodland. There are also several residential subdivisions and individual

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John Lewis Ehrman

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dwellings in the area. The topography of the area ranges from rolling to steep, especially near the stream valleys. Enclosed with the report are a topography map and a copy of the aerial photograph (Attachments 6 and 7).

The subject parcel is rectangular in shape, approximately 0.528 acres in size with frontage on Bailey Road. The lot has rolling topography. It is basically level between the road and the front of the dwelling. It slopes down from the left side of the house to the property line and from the rear of the dwelling to the middle of the rear yard, where it starts sloping upward to the property to the rear. A portion of the rear of the dwelling is two stories out of the ground. The lot to the right of the subject property sits at a higher elevation, and a block retaining wall was constructed along the property line (see site photographs). Improvements consist of a one-story single-family dwelling with a deck across the entire length of the rear portion of the dwelling, a concrete patio under a portion of the deck, a gravel driveway and a shed located in the right rear corner of the lot. There is a border of blue spruce trees along the left property line and large, mature trees across the rear of the property. Enclosed with the report is an enlargement of the aerial photograph and site photographs (Attachment 8 and 9).

Zoning:

The zoning classifications conform to the overall intent of the 2004 Master Plan as well as the existing land uses. The area includes AG/Agricultural, RR/Rural Residential, VR/Village Residential and VB/Village Business Districts. There is also an area of GI/General Industrial zoning off the south side of Bailey Road and to the east of the subject property. Enclosed with the report is a copy of the zoning map (Attachment 10).

SUMMARY:

The Applicant is requesting a variance pursuant to Section 267-34B, Table II of the Harford County Code to allow an attached garage within the required 20 foot side yard setback (3 feet 9 inches proposed) in an AG/Agricultural District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique based on the existing topography. The proposed location of the garage on the right side of the dwelling is the only practical location. The lot sits lower than the adjacent lots to the west and is impacted by water runoff. Locating the garage as a freestanding structure in the rear yard would require considerable grading. The majority of the dwellings in the area have attached garages. The proposal should have no adverse impact on the intent of the Code or on the adjacent property.

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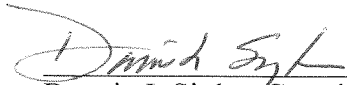
John Lewis Ehrman

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RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the request be approved subject to the following conditions:

1. The Applicant shall obtain all necessary permits and inspections for the garage.
2. The garage shall not be used for the storage of construction equipment or commercial vehicles.
3. The garage shall not be used in the furtherance of a business.



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review

DJS/ASM/ka



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning